

Minutes of Meeting
Dagsboro Town Council
Bethel Center-28307 Clayton Street
Monday, November 16, 2015

I. Call meeting to order:

Mayor Truitt called the meeting to order at 6:01p.m. Those in attendance were Mayor Truitt, Vice Mayor Baull, Councilman Chandler, Councilman Miller, Councilwoman Ulrich, Town Administrator Stacey Long, Chief Toomey, Town Solicitor Mr. Witsil, and others as listed on the sign in sheet.

II. Public Comment:

There was no public comment from the audience.

III. Public hearing & vote

Participation in the Community Development Block Grant Program in cooperation with Sussex County Council and the DE State Housing Authority for housing rehabilitation for qualified residents.

Mr. Jones a representative from the Community Development Housing utilizes funds from HUD for projects in Sussex County. The monies are distributed to towns that qualify. One of the requirements is to hold a public hearing. The public hearing is an opportunity to explain the program. An application is put in once a year for the program. The program allows for infrastructures, street improvements, sidewalks and street lighting with the main job being rehabilitations on existing houses. A person can qualify if they have less than \$15,000 in the bank and insurance on the house and taxes must be paid. One person can make up to \$35,000 a year. Then it goes up to \$5,000 a year per person. A lien has to be placed on the property. If a person is over 65 years old, it is a 5 year lien. If \$10,000 is spent on the house a 5 year lien will be placed on the owner's home. \$2,000 comes off the lien every year. Interest will never be added. If a person is younger than 62 years old it would be a 10 year lien and 10% would be deducted every year. Mr. Jones informs the Council that more people need to be added to the list for the town. He would like an updated list by March. Mr. Witsil reads the first resolution to be adopted. Councilman Miller made a motion to adopt the resolution. It was seconded by Vice Mayor Baull. All were in favor. Motion carried. Mr. Witsil reads the second resolution between Sussex County Council and the Town of Dagsboro endorsing the projects to be submitted to the Delaware State Housing Authority. Councilwoman Ulrich made a motion to approve the resolution. It was second by Vice Mayor Baull. All were in favor. Motion carried.

IV. Approval of minutes:

- a. September 28, 2015
- b. October 26, 2015

Councilwoman Ulrich made a motion to approve the September 28, 2015 and October 26, 2015 Town Council minutes. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

VI. Consent Agenda:

Stacey informs Council that there is an addendum. There will be no Annual Municipal Election this year. The 3 incumbents were the only candidates that filed for the 3 open seats.

The town has received the insurance money for the accident that destroyed a section of the cemetery brick wall. Stacey called Czapp Masonry to schedule the repair. Stacey was able to contact someone from Deldot about the Swamp Road Repaving Project she is just waiting on the purchase order to be issued by Deldot. Stacey informed Council that the sump pump is in stock and awaiting pick-up.

The Workplace Safety Inspection was conducted on November 3, 2015. The gentleman gave Stacey a few items that needed to be addressed in the Town Hall. Maintenance has been issued a work order to take care of the items. In approximately 3 months an unscheduled inspection will be conducted at the Town Hall. Stacey is still waiting for the report. Vice Mayor Baull made a motion to accept the consent agenda. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

VI. Planning & Zoning Committee Report:

- a. Recommendation of request to add Motorcycle Repair & Sales as a permitted use in the Town Center Zoning District.

The Planning Commission met on November 9, 2015. Their recommendation was to add motorcycle repair & sales in the Town Center Zoning District. The stipulation was overnight outdoor storage and/or displays be prohibited. It was suggested by Mr. Bendler who is a representative of AECOM that they should prohibit overnight outdoor storage and/or displays as a standard requirement for all the uses within the district. Stacey informs the Council that the Planning Commission didn't mind having motorcycles out in the yard for sale but must be taken in every night. Displays meaning such items for sale. Councilman Chandler informs the Council that Jayne's Reliable and Southern States would have to bring their items indoors every night as well if it is made a requirement of all uses. Mr. Witsil states that the focus should be on the overnight storage be prohibited on the motorcycle and repair business. Mr. Baker doesn't agree with just his business having to bring outdoor items inside. Mr. Baker asks Council if they could let him know how many cars can be outside of his business. Mr. Witsil states there is no requirement for bringing in all storage and/or displays. Grandfathering does not apply to temporary objects. It applies to permanent structures. Councilman Miller asks Stacey if the zoning is different for Clayton Street than for Piney Neck Road. Piney Neck Road has two types of zoning. The property being discussed and the properties between that and Main Street are zoned Town Center and the properties East of this property is zoned Residential.

VII. New Business

- a. Qualification of Candidates for Town Council for the terms of 2016 & 2017

The three candidates that filed all meet the qualifications for Section 5 of the Charter. Councilman Chandler made a motion to accept the qualifications of the candidates. Mayor Truitt seconded the motion. All were in favor. Motion carried.

- b. Consideration of awarding a Christmas bonus for Town Staff

Councilwoman Ulrich made a motion to approve Christmas bonuses for Town Staff for \$150 after taxes. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

- c. Appointment of Election Officers:

No election will be held this year.

- d. Consideration of accepting a quote to remove a dead tree in the park:

Stacey informs the Council that two quotes were received. One from Lawson's Tree Service for \$500 to remove the tree and grind the pump. The other is for \$795 for tree removal plus an additional \$195 for stump grinding. Councilman Miller made a motion to accept Lawson's Tree Service quote for \$500. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

- e. Consideration of relocating the split rail fence onto the State's property at a cost not to exceed \$500.

Stacey informs Council that the split rail fence is interfering with plots and tombstones. The State approved relocating the fence. The Cemetery Committee is responsible for paying for the cost of relocation. The relocation costs approximately \$320.00. The Town's maintenance will relocate the fence. Vice Mayor Baull made a motion to approve the relocating of the fence onto the State's property at a cost not to exceed \$500. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

- f. Approval of revised rules and regulations for the cemetery:

Vice Mayor Baull informs Council that numbers 2 & 3 are the biggest changes. Before the changes number 2 stated cremated remains must be buried in a marble or bronze urn by itself. Now it lists other biodegradable containers. Councilwoman Ulrich made a motion to approve the revised rules and regulations. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

Old Business

- a. Consideration of setting a public hearing on the request of adding Motorcycle Repair & Sales as a permitted use in the Town Center Zoning District:

Councilman Chandler asks Stacey if this is a different use from what was historically there. Stacey answers yes as Council will be adding this type of use to the list of allowable uses, if approved. If it goes to public hearing and approved the next step would be to apply for a change of use. It will have to be reviewed by the Planning Commission and then recommended for approval by the Council for the approval of the change of use. Once this step is completed then the applicant would apply for a business license. Mr. Witsil states if certain regulations need to be incorporated into a specific use then it needs to be addressed during the hearing. The Planning Commission recommended one regulation. If the Council agrees with the Planning Commission then an additional regulation for motorcycle repair & sales would have to be made. Mr. Witsil would have to be notified at this time so he can prepare an ordinance. He states it can be discussed at the public hearing. Councilman Chandler states that a similar situation happened in town with Dagwood Deli. He would like to avoid a repeat of the process. The Council was criticized because the applicant said he was not aware of the change of use process. Councilman Chandler states that Dagwood Deli's property was already within the existing zoning ordinance of the Town Center. The Council did not have to create an exception for the property. Mr. Witsil informs the Council that they do not have to make a decision on the item if they are not in favor of adding it as a permitted use. Mr. Witsil asks the Council if the item is appropriate for the Comprehensive Development Plan of the Town. Councilwoman Ulrich asks Mr. Baker if he plans to sell cars at his business. Mr. Baker states that he would like to know if the change of use will be approved before he can think about selling cars. His dealer's license includes the sales of automobiles, motorcycles, boats, trailers, campers, RV's and motorhomes. Councilman Chandler states that the Town Center was originally adopted and there was an explicit decision process.

The subject of auto sales and repairs was front and center. It involved preferred auto which is the old Howlett property. The decision was not to have auto repairs and sales in the Town Center District. It should be in the Commercial Highway District. Councilman Chandler states Mr. Baker should be explicit with what he wants to do with his property. Mr. Baker states that if he owns the property he should be able to work on his own vehicle. Mr. Witsil informs Mr. Baker that the zoning regulations what property owners can and cannot do to both inside and outside of the property.

Councilwoman Ulrich made a motion to set a public hearing for the December Council meeting to add motorcycle repair and sales as a permitted in the Town Center Zoning District. It was seconded by Councilman Miller. Four were in favor. Councilman Chandler opposed because the item does not fit with the Town Center Zoning District in accordance with the Comprehensive Plan or the description of the Town Center Zoning District and the potential uses along with residential uses. Motion carried 4 in favor and 1 opposed.

The next Town Council meeting will be held on December 14, 2015.

IX. Public Comment:

Mr. Savage has lived on Vines Creek Road for nearly forty years. This is his second time attending a Council meeting. His wife Eula Mae Savage served on the Town Council some time ago. He wanted the Council to know he is very pleased with everything developing in Town. He would like to be involved with the activities in town and he would like to serve on the Planning Commission. He was advised to fill out an application and submit it to town hall to be voted on at a Council meeting.

X. Executive Session

a. Personnel Matters- Discussion of personnel matters in which the names, competency, qualification and abilities of individual employees will be discussed

Attorney Witsil stated that the Council will now be entering Executive Session. We ask that everyone exit the building and we will reconvene in Regular Session afterwards. At 7:12 p.m. a motion was made by Councilman Chandler to enter Executive Session. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

At 7:44 p.m. Councilman Chandler made a motion to re-enter Regular Session. Councilman Miller seconded the motion. All were in favor. Motion carried.

XI. Adjournment:

At 7:45 p.m. Vice Mayor Baull made a motion to adjourn the meeting. Councilwoman Ulrich seconded the motion. All were in favor. Motion carried.

Respectfully Submitted,

Autumn Gardner, Town Clerk

